

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

FUTURE LINK SYSTEMS, LLC,
Patent Owner.

IPR2021-01487 (Patent 6,622,108 B1)
IPR2021-01488 (Patent 6,807,505 B2)¹

Before KARL D. EASTHOM, KEVIN C. TROCK, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

TERMINATION

Due to Settlement After Institution of Trial and
Granting Joint Request to Treat the Release Agreement
as Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

¹ This Order addresses the same issues in each proceeding. The parties must obtain approval before using this heading style in subsequent papers.

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively, "the Parties") filed a Joint Motion to Terminate in each of the above-captioned proceedings. Paper 10 ("Joint Motion").² Along with the Joint Motion, the Parties filed a copy of a "Release Agreement" (Ex. 1013) and a "Joint Request" (Paper 11) that the Release Agreement be treated as business confidential information and kept separate from the files of the patents involved in the above-captioned proceedings.

II. DISCUSSION

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed."

In the Joint Motion, the Parties represent that the Release Agreement resolves their disputes involving the patents at issue in the above-captioned proceedings. Joint Motion 1. The Parties also represent that they have filed a true copy of the Release Agreement and that "[t]here are no other collateral agreements between the parties made in connection with, or in contemplation of, the termination sought." *Id.*

We instituted trial for each of the above-captioned proceedings (*see* Paper 8), but we have not yet decided the merits of the proceedings, and final written decisions have not been entered. Notwithstanding that the proceedings have moved beyond the preliminary stage, the Parties have

² The relevant Papers and Exhibits filed in the above-captioned proceedings are substantively the same. We cite to the record in IPR2021-01487 unless otherwise indicated.

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shown adequately that the termination of the proceedings is appropriate.

Under these circumstances, we determine that good cause exists to terminate the proceedings with respect to the Parties.

After reviewing the Release Agreement, we find that it contains confidential business information regarding the terms of settlement. Thus, good cause exists to treat the Release Agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, it is

ORDERED that the Joint Motions to Terminate (IPR2021-01487, Paper 10; IPR2021-01488, Paper 10) are *granted*, and IPR2021-01487 and IPR2021-01488 are *terminated*; and

FURTHER ORDERED that the Joint Requests to treat the Release Agreement as business confidential information (IPR2021-01487, Paper 11; IPR2021-01488, Paper 11) are *granted*, and the Release Agreements (IPR2021-01487, Ex. 1013; IPR2021-01488, Ex. 1012) shall be kept separate from the files of the respective patent files (U.S. Patent No. 6,622,108 B1; U.S. Patent No. 6,807,505 B2), and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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